

16181. Adulteration and misbranding of olive oil. U. S. v. United Importers (Inc.). Plea of guilty. Fine, \$9. (F. & D. No. 22588. I. S. No. 21035-x, 21715-x, 21716-x.)

On November 28, 1928, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the United Importers (Inc.), a corporation, Providence, R. I., alleging shipment by said company, in violation of the food and drugs act as amended, in part on or about November 21, 1927, and in part on or about February 24, 1928, from the State of Rhode Island into the State of Massachusetts, of quantities of olive oil which was adulterated and misbranded. A portion of the article was labeled in part: "L & T Theodora Brand Virgin Pure Olive Oil Lucca Italy." The remainder of the said article was labeled in part: "Pure Olive Oil Extra Fine Quality Italian Product Reale Brand Lucca Italy * * *. This Virgin Oil is Highly Recommended for Medicinal And Table Use * * * Contents one Quart (or "Contents ½ Gallon")."

It was alleged in the information that the article was adulterated, considered as a food, in that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in large part for olive oil, which the said article purported to be. Adulteration of the "Reale Brand" olive oil, considered as a drug, was alleged for the further reason that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia official at the time of the investigation of the article in that it was composed in part of cottonseed oil, whereas said pharmacopoeia provided that olive oil should consist wholly of the ripe fruit of *Olea europaea*; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding was alleged for the reason that the statement "Olive Oil Lucca Italy," with respect to the "Theodora Brand" olive oil, and the statements, "Olive Oil," "Lucca Italy," "Italian product," with respect to the "Reale Brand" olive oil, and the statement "Contents One Quart," with respect to a portion of the said "Reale Brand" oil, borne on the labels were false and misleading in that they represented that the article was olive oil, that it was a foreign product produced in Lucca, Italy, and that the cans containing the said portion of the "Reale Brand" oil contained 1 quart thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product produced in Lucca, Italy, and that the cans containing the said portion of the "Reale Brand" oil contained 1 quart thereof, whereas the said article was not olive oil but was a product composed in large part of cottonseed oil, it was not a foreign product but was a domestic product, to wit, an article composed in large part of cottonseed oil produced in the United States of America, and the cans containing the said portion of the "Reale Brand" oil did not contain 1 quart of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was a product composed in large part of cottonseed oil prepared in imitation of olive oil and offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it was falsely labeled as to the country in which it was manufactured and produced in that it was labeled as an olive oil manufactured and produced in Lucca, Italy, whereas it was a product composed in large part of cottonseed oil manufactured and produced in the United States of America, and for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to the said portion of the "Reale Brand" oil for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 18, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$9.

R. W. DUNLAP, Acting Secretary of Agriculture.

16182. Adulteration of pistachio nuts. U. S. v. 9 Bags of Pistachio Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23210. I. S. No. 03614. S. No. 1308.)

On November 27, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 9 bags of pistachio nuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Germany into the State of New York, having been entered July 25, 1928, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in violation of paragraph 2 of section 7 of said act in that it consisted of pistachio nuts that were wormy, shriveled, and empty. Adulteration was alleged for the further reason that the article consisted in part of a filthy and decomposed vegetable substance.

On January 5, 1929, the Aurora Trading Corporation, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that the good nuts be separated from the bad nuts and the latter destroyed or denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16183. Adulteration and misbranding of tomato puree. U. S. v. 48 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23255. I. S. No. 03252. S. No. 1346.)

On December 19, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 48 cases of tomato puree, remaining in the original unbroken packages at Philadelphia, Pa., consigned by William Laning & Son Co., alleging that the article had been shipped from Bridgeton, N. J., on or about October 9, 1928, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Silver Lake Whole Tomato Puree * * * Packed by Wm. Laning & Son Co., Bridgeton, N. J."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the statement "Whole Tomato Puree," borne on the label, was false and misleading, since the article was made from skins and cores and not from whole tomatoes.

On January 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16184. Adulteration and misbranding of olive oil. U. S. v. Frank E. Taormina, Rosario Taormina, and Joseph Taormina (Taormina Brothers). Pleas of guilty. Fines, \$300 and costs. (F. & D. No. 22586. I. S. Nos. 23398-x, 23399-x, 23400-x, 23401-x, 23402-x, 23405-x, 23407-x, 23408-x, 23413-x, 23414-x, 23415-x, 23416-x, 23417-x.)

On January 9, 1929, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank E. Taormina, Rosario Taormina, and Joseph Taormina, copartners, trading as Taormina Brothers, New Orleans, La., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, on or about January 12, January 14, January 16, and February 6, 1928, respectively, from the State of Louisiana into the State of Texas, of quantities of olive oil which was adulterated and misbranded. A portion of the article was shipped in cans labeled in part: "Pure Olive Oil 'La Giardiniera Italiana' Packed in Italy Expressly For Taormina Bros. By Eustachio Taormina & Figli Sicily-Partanna-Italy * * * This Olive Oil is guaranteed to be absolutely pure under chemical analysis and highly recommended by physicians for medicinal and table use Olio Puro D'Oлива * * * Impaccato In Italia * * * Sicilia-Partanna-Italia." The remainder of the said article was shipped in unlabeled cans and was invoiced as olive oil.

It was alleged in the information that the article, considered as a food, was adulterated in that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for olive oil which the said article purported to be. Adulteration was alleged with respect to the portion of the article shipped in labeled cans, considered as a drug, in that it was